REMARKS

Claims 1-22 have been pending.

Claims 1, 3-5, 8-10, 12, 13, 16, 17 and new dependent claim 22, are rejected under 35 USC 103(a) as being unpatentable over Haumont (US 2001/0019951), Kaplan (US Patent No. 6,032,039), and Brian (US Patent No. 4,549,047). Brian is newly cited and newly relied upon.

Claims 2, 6, 14, 18 are rejected under 35 USC 103(a) as being unpatentable over Haumont, Kaplan, Brian, and Ripley (US Patent No. 6,453,021).

The Examiner maintains the rejection of claims 7, 11, 15 and 19 as being anticipated by Bowater (US Patent No. 6,282,269) under 35 USC 102(e). Further, the Examiner newly rejects dependent claims 20 and 21 as being anticipated by Bowater.

Claims 1, 2, 4, 6-9, and 11-22 are amended, new claim 23 is added, and, thus, claims 1-23 remain pending for reconsideration, which is respectfully requested.

No new matter has been added in this Amendment.

The Response to Arguments is on page 10, item 4, of the Office Action. The independent claims are 1, 4, 7, 8, 11, 12, 15, 16 and 19.

INDEPENDENT CLAIMS 1, 4, 8, 12, 16

Claims 1, 3-5, 8-10, 12, 13, 16, 17 and new dependent claim 22, are rejected under 35 USC 103(a) as being unpatentable over Haumont (US 2001/0019951), Kaplan (US Patent No. 6,032,039), and Brian (US Patent No. 4,549,047). Brian is newly cited, and, thus, newly relied upon. Page 4, item 2, of the Office Action.

Claims 2, 6, 14, 18 are rejected under 35 USC 103(a) as being unpatentable over Haumont, Kaplan, Brian, and Ripley (US Patent No. 6,453,021). Page 9, item 3, of the Office Action.

Haumont and Kaplan fail to disclose the claimed present invention's, "a data channel between the portable wireless telephone and the resource database," and "a data channel between the resource database and the message storage system," (i.e., *a data channel resource database* for a portable wireless telephone message storage system), as recited in independent claims 1, 4, 8, 12, 16 (see, paragraphs spanning pages 4-5 and 2nd paragraph of page 5 of the Office Action). Therefore, in page 5 and page 11, item 4 (iii), the Examiner newly relies on Brian to the reject this patentably distinguishing feature. In page 5 of the Office Action,

the Examiner asserts that Brian's digitized message storage system comprises controlling computers (column 7, lines 5-9), which provide message services, and a message storage subsystem. In Brian, the controlling computers are connected via UNIBUS (column 11, lines 7), as the claimed present invention's "a data channel," to the message storage subsystem, thereby according to the Examiner being, for example, similar to the claimed present invention's "via a data channel between the portable wireless telephone and the resource database."

Brian discloses a digitized voice message storage system 20 on a telephone network, in which the system 20 comprises four (4) digital computers 22, each computer having a digital data bus 24 (UNIBUS). Further, the mass storage subsystem 30 is on the digital data buses 24 and provides message services. However, Brian's UNIBUS 24 is a bus, having an ordinary meaning of a collection of wires through which data is transmitted from *one part* of a computer to *another part* of the computer (an internal bus). In contrast, the claimed present invention's "data channel" is a *packet-switched-data network channel*. A "packet-switched-data network" is a type of network in which relatively small units of data called packets are routed through a network based on the destination address contained within each packet and differs from a "bus" that connects functional units in a computer.

Therefore, in contrast to Haumont, Kaplan and Brian, all of the independent claims 1, 4, 7, 8, 11, 12, 15, 16 and 19, using claim 1 as an example, are amended as follows:

> 1. (CURRENTLY AMENDED) A process, by which a portable wireless telephone controls processing of a message on a message storage system, comprising:
>
> receiving in the portable wireless telephone, according to a ~~data channel~~packet-switched-data network application layer data transfer protocol, message service information from a resource database via a ~~data channel~~packet-switched-data network between the portable wireless telephone and the resource database;
>
> processing by the portable wireless telephone according to the ~~data channel~~packet-switched-data network application layer data transfer protocol, a message responsive to the message service information, via a ~~data channel~~packet-switched-data network between the portable wireless telephone and the message storage system; and
>
> updating, by the message storage system, according to the ~~data channel~~packet-switched-data network application layer data transfer protocol via a packet-switched-data network between the resource database and the message storage system, the message service information in the resource database ~~by the message storage system according to~~based upon the processing by the portable wireless telephone ~~via a data channel between the resource database and the message storage system~~.

Support for the claim amendments can be found, for example, in FIG. 2 and paragraph 27 of the present Application.

The Examiner, in page 4 and page 11, item 4(iii), also relies on Kaplan for rejecting the claimed present invention's "updating" of the resource database by the message storage system over a data channel, as shown in FIG. 3 of the present Application. The independent claims 1, 4, 8, 12, 16 are amended for clarity, so that Kaplan does not disclose or suggest, "*updating, by the message storage system,* according to *the ~~data channel~~packet-switched-data network application layer data transfer protocol via a packet-switched-data network between the resource database and the message storage system*, the *message service information in the resource database* ~~by the message storage system according to~~based upon the processing by the portable wireless telephone ~~via a data channel between the resource database and the message storage system~~." In other words, in the claimed present invention, the resource database comprises message service information, which is updated by the message storage system, via a data channel (i.e., a packet-switched-data network resource database for a portable wireless telephone message storage system).

Kaplan in column 2, lines 23-34, discloses a central message storage area transmitting a voicemail message notification to a wireless local loop (WLL) device, which does not have an alphanumeric display capability, along with a voicemail retrieval callback number so that the WLL can call the central message storage area to retrieve the voice mail. Kaplan's central message storage area updates itself. However, Kaplan's central message storage area does not *update a resource database*. In other words, in Kaplan the message storage system updates itself as provided in column 7, lines 6-10, which is relied upon by the Examiner. Therefore, Kaplan does not disclose or suggest the claimed present invention's resource database that comprises message service information, which is to be updated by the message storage system via a packet-switched-data network, as shown in FIG. 2-3 and paragraph 27, lines 1-5, of the present Application.

See, also, for example, independent claim 4, which in contrast to Kaplan provides:

> *creating a resource database storing message service information;*
>
> *receiving in the portable wireless telephone*, according to a ~~data channel~~*packet-switched-data network application layer data transfer protocol,* the *message service information from the resource database via a* ~~data channel~~*packet-switched-data network between the portable wireless telephone and the resource database;* ... and
>
> *updating, by the message storage system,* according to the ~~data channel~~packet-switched-data network application layer data transfer protocol *via a packet-switched-data network between the resource database and the message storage system*, the *message service information in the resource database* ...

The Examiner in page 4 and page 11, item 4(iv) also appears to rely on Haumont's paragraphs 18, 19 and the adapting means 26 and 38. Haumont, in paragraph 38, discloses, "an adapting means 26 for adapting or segmenting, respectively, the compressed message into data portions corresponding to the requirements of the transmission channel used." See also, Haumont, paragraph 47. However, Haumont's adapting means 26 and 38 are for packetising according to a packet-switched-data network requirements, and does not disclose or suggest the claimed present invention's, "packet-switched-data network *application layer* data transfer *protocol*" (e.g., independent claims 1, 4, 8, 12 and 16) or "*application layer subscriber message processing protocol messages on the* ~~data channel~~*packet-switched-data network*" (e.g., independent claims 7, 11, 15, and 19). Support for the claimed present invention's "packet-switched-data network *application layer* data transfer *protocol*," can be found, for example, in paragraphs 34, 35, 36, FIG. 3 and FIGS. 4-6 of the present Application.

Therefore, independent claims 1, 4, 8, 12 and 16 are clearly patentably distinguishing over Haumont, Kaplan and Brian.

INDEPENDENT CLAIMS 7, 11, 15 and 19

The Examiner maintains the rejection of claims 7, 11, 15 and 19 as being anticipated by Bowater (US Patent No. 6,282,269) under 35 USC 102(e). Further, the Examiner newly rejects dependent claims 20 and 21 as being anticipated by Bowater. Page 2, item 1, of the Office Action.

In page 3, line 1, of the Office Action, the Examiner asserts that Bowater discloses a portable wireless telephone, because Bowater column 7, lines 1-3 discloses using GSM, which is a standard compression technique used in Europe for cellular phones. In page 11, item 4(vi), the Examiner asserts that because Bowater discloses using GSM compression, the telephone used by Bowater MUST be GSM (wireless) telephones.

However, in contrast to the Examiner's suggestion, Bowater, in FIGS. 3 and 6, clearly discloses a WebTalker telephone 620 in client 1, which is software executing on a computer connected to the Internet, providing voice over IP. Bowater does not disclose or suggest using a portable *wireless* telephone as part of providing voice over IP. Bowater, column 6, lines 8-10, discloses, "FIG. 3 is a ... diagram of a client computer system which may be used for telephone transmission over the Internet." Bowater, column 7, lines 12-15, discloses, "In order to operate as an Internet telephone, the computer system of FIG. 3 must contain appropriate application software. In the preferred embodiment, this application software is called WebTalker, and provides a user interface as shown in FIG. 5."

Independent claims 7, 11, 15 and 19 are amended to further clarify that the claimed present invention is directed to a "portable wireless telephone, which allows a voice communication via a telephone network" and processes voice messages over a "*a data channel**packet-switched-network* ... according to *application layer subscriber message processing protocol messages on the data channel**packet-switched-data network*." In contrast to Bowater, Haumont, Kaplan and/or Brian, the claimed present invention as recited in independent claims 7, 11, 15, and 19, using claim 7 as an example, provides:

> 7. (CURRENTLY AMENDED) A process, comprising:
>
> controlling from a portable wireless telephone, which allows a voice communication via a telephone network, *processing of a voice message on a voice message storage system using a data channel**packet-switched-network* with the voice message storage system and according to *application layer subscriber message processing protocol messages on the data channel**packet-switched-data network* (emphasis added).

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Support for the claim amendments can be found, for example, in paragraphs 2, 5, 32 and 33 of the present Application.

DEPENDENT CLAIMS 2, 6, 14 and 18

Paragraph 27, lines 1-5, of the present Application, support dependent claims 2, 6, 14 and 18. The Examiner in page 9, item 3, relies on Ripley to reject the claimed present invention's, "wherein the message service information comprises location data of the message storage system and subscriber mailbox information."

Ripley, in column 5, lines 5-9, discloses, "generating a display signal based on the message records, the display signal carrying voice mail information including unique mailbox identifiers for the plurality of voice mailboxes of each of the multiple subscribers." The Examiner asserts that Ripley's mailbox identifier is same as the claimed present invention's, "location data of the message storage system."

Dependent claims 2, 6, 14, and 18, are amended as follows.

2.   (CURRENTLY AMENDED) The process according to claim 1, wherein the message service information comprises location data of the message storage system in the packet-switched-data network and subscriber mailbox information.

Ripley's user mailbox identifier differs than the claimed present invention's, "location data of the message storage system in the packet-switched-data network."

Further, in contrast to Ripley, new dependent claim 23 provides:

23.   (NEW) The process according to claim 8, further comprising:

transmitting, by the resource database, to the recipient-subscriber message storage system, a query for the packet-switched-data network address of the recipient-subscriber message storage system, in response to the querying by the portable wireless telephone, according to a packet-switched-data network application layer data transfer protocol via a packet-switched-data network between the resource database and the recipient-subscriber message storage system.

Support for new claim 23 can be found, for example, in FIG. 3 and paragraph 40 of the present Application.

CONCLUSION

In view of the claim amendments and the remarks, withdrawal of the rejections of pending claims and allowance of pending claims is respectfully requested.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Respectfully submitted,
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Date: _November 12, 2004_   By: _____

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